

REMARKS

This is a full and timely response to the final Office Action mailed on December 3, 2004 by the United States Patent and Trademark Office. Claims 1-46 remain pending in the application. Claims 6, 7, 20-27, and 28-46 were withdrawn in response to a restriction requirement. Claims 1 and 28 are independent claims. No new matter is believed to have been added. Reconsideration is respectfully requested in light of the following remarks.

I. REJECTIONS BASED UPON 35 U.S.C. §102

Claims 1-4, 8-12, 14-16, 18, 28-32, and 34-47 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent Application Pub. No. 2003/0022501 (Tsai et al.). The Examiner alleges that the evidence submitted is ineffective to overcome Tsai et al. because the evidence allegedly appears to indicate that Joe Hernandez and Fred Mitchel also made the invention. Additionally, claims 1-5, 8-19, and 28-37 are rejected under 35 U.S.C. 102(f) because the Office Action alleges that the inventors did not invent the claimed subject matter. The Applicants respectfully traverse these rejections.

With regard to the rejections of independent claim 1 and the claims that depend therefrom, Applicants have each submitted a second declaration wherein each attests that Joe Hernandez and Fred Mitchel did not conceive at least the invention claimed in Claim 1. See Appendix. Thus, the evidence that was previously submitted by Applicants was and still is sufficient to show that the conception of the invention disclosed in at least independent claim 1 was conceived prior to the Tsai Filing Date. Tsai et al. clearly is not prior art and should be disregarded in the examination of this application. Accordingly, Applicants respectfully request withdrawal of the 102(e) and 102(f) rejections.

With respect to the rejections of independent claim 28 and the claims that depend therefrom, the Rule 1.131 Declaration submitted with the Applicants' previous response stated that the date of conception of claim 1 pre-dated the filing date of Tsai. The Declaration did not apply to independent claim 28. Thus, Applicants respectfully request withdrawal of the 102(f) rejection against claims 28-32 and 34-47.

However, even if Tsai is applied to claim 28, Tsai does not recite each and every element of claim 28. Specifically, nowhere does Tsai discuss a method for polishing a metallized layer

on a workpiece, the metallized layer having *a polish-resistant film* thereon, where the method includes the step of polishing the film by creating relative motion between the film and a polishing surface at a first pressure until *the polish-resistant film* is substantially removed, as recited in claim 28. Instead, Tsai discusses removal of conductive materials, from a substrate surface, see col. 2, para. 27, and each of the examples provided in Tsai discloses polishing overfill materials, see para. 55, and bulk materials, see para. 56, 57, 64, 67, 71, 79, 83, and 100. Bulk copper materials are not the same as a polish-resistant *film*. Accordingly, reconsideration and withdrawal of these rejections is respectfully requested.

II. REJECTIONS BASED UPON 35 U.S.C. §103

Claims 5, 13, 17, and 19 were rejected under 35 U.S.C. 103 as allegedly being unpatentable over Tsai et al. Claims 5, 13, 17, and 19 all depend from independent Claim 1. Therefore, these claims rely on the arguments presented above. Accordingly, these claims should be allowed.

CONCLUSION

Based on the above, independent Claims 1 and 28 are patentable over the citations of record. The dependent claims are also submitted to be patentable for the reasons given above with respect to the independent claims and because they recite features which are patentable in their own right. Individual consideration of the dependent claims is respectfully solicited.

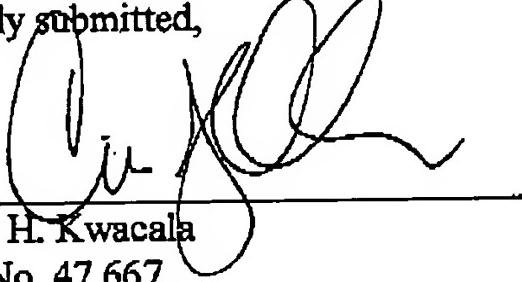
The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

In view of the Applicants' amendments and remarks, it is respectfully submitted that Examiner's rejections have been overcome. Accordingly, the Applicants respectfully submit that the application, as amended, is now in condition for allowance, and such allowance is therefore earnestly requested. Should the Examiner have any questions or wish to further discuss this application, the Applicants request that the Examiner contact the Applicants' attorneys at the below-listed number.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment

on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

By: 
Cindy H. Kwacala
Reg. No. 47,667

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INGRASSIA FISHER & LORENZ, P.C.
Customer No. 29906